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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON
13

15 SHAUN L. ROCKSTROM,

16 Plaintiff,
17

18 vs.

19 SPOKANE COUNTY,
20 WASHINGTON, DEPUTY
21 SAMUEL TURNER; DEPUTY
22 CHAD EATON; and DEPUTY
23 MICHAEL KEYS.

24 Defendants.
25

NO.:

Spokane County Superior Court
Cause No.: 18-2-02413-1

NOTICE OF REMOVAL OF
ACTION BY DEFENDANT
PURSUANT TO 28 U.S.C. §1441

26 TO: Clerk of the Court,

27 PLEASE TAKE NOTICE that Defendants hereby remove to this Court
28 the state court action described below.
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30 NOTICE OF REMOVAL OF ACTION

- page 1

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Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632

1 1. State Court Action

2 Defendants Spokane County, DEPUTY SAMUEL TURNER; DEPUTY
3
4 CHAD EATON; and DEPUTY MICHAEL KEYS are parties in the above-entitled
5
6 action originally commenced on, June 1, 2018 and pending in the Superior Court
7
8 of the State of Washington in and for Spokane County, Cause No. 18-2-02413-1.

9 2. Federal Question Jurisdiction

10 Plaintiff filed his Complaint in the Superior Court of the State of
11
12 Washington in and for Spokane County on June 1, 2018. He alleges both state and
13
14 federal claims of:

- 15 • Negligence (Complaint para. 13);
- 16 • Respondeat Superior from Spokane County (Complaint para. 14);
- 17 • Excessive force under violations of civil rights under 42 U.S.C. §
18 1983 (Complaint para 15);
- 19 • Failure to train, supervise and discipline officers of Plaintiff
20 (Complaint, para. 16);
- 21 • Plaintiff further seeks punitive damages and attorney fee and costs in
22 his prayer for relief.
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NOTICE OF REMOVAL OF ACTION
- page 2

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1 Accordingly, this action is removable to federal court under 28 U.S.C. §
2 1441, as Plaintiffs' claims arise under the Constitution, laws, or treaties of the
3 United States, and this Court would have had original jurisdiction over Plaintiffs'
4 claims under 28 U.S.C. §§ 1331 and 1343 had Plaintiffs elected to file the action
5 in federal court. This Court is the District Court of the United States for the
6 District embracing the location where the state court action is currently pending,
7 and is therefore the appropriate Court for removal pursuant to 28 U.S.C. § 1441(a).
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12 3. Timely Removal

13 Defendant, Spokane County was served on June 1, 2018. Upon information
14 and belief, the Deputies have not yet been personally served. This Notice of
15 Removal is properly filed within 30 days after the alleged service of the Complaint
16 for Negligence and Violation of Civil Rights. *See* 28 U.S.C. § 1446(b).
17
18

19 4. Papers Served on Defendant

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21 Copies of all process, and any pleadings served upon Defendant are attached
22 as Exhibits to the Certificate of Attorney.
23


24 WHEREFORE, Defendants prays that the above-entitled action be removed
25 to this Court from the Superior Court of the State of Washington in for Spokane
26 County.
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30 NOTICE OF REMOVAL OF ACTION
- page 3

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1 DATED this 15 day of June, 2018.

2 EVANS, CRAVEN & LACKIE, P.S.

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5 By: 
6 HEATHER C. YAKELY, #28848
7 Attorneys for Defendants
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NOTICE OF REMOVAL OF ACTION
- page 4

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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 15 day of June, 2018, the foregoing was delivered to the following persons in manner indicated:

Richard D. Wall
Richard D. Wall, P.S.
Attorney at Law
1604 W. Dean
Spokane, WA 99201

Via Regular Mail
Via Certified Mail
Via Facsimile
Hand Delivered

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Adrien Plummer, Legal Assistant to
HEATHER C. YAKELY

NOTICE OF REMOVAL OF ACTION
- page 5

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